

**Drug Policy Advisory Council Meeting
November 18, 2010
Minutes**

Voting Council Members Present: Chairman Gary Kendell, Cyndy Erickson, Kevin Frampton, Richard Doyle, Phyllis Blood for Paul Stageberg, Eric Snyder, Jennifer Benson, John Garringer, Jane Larkin, and Chris Wilson.

Non-voting Members Present: Stephan Arndt and Gen. Michael Jensen.

Guests: Major Sonya Finch, Iowa National Guard and Kevin Winker, Dept. of Public Safety.

Staff: Becky Swift, Susie Sher, Terry Graham, Dale Woolery and Becky Bell.

Welcome and introductions

Chairman Kendell called the meeting to order at 1:05 p.m. Council members and guests introduced themselves.

Chairman Kendell congratulated General Jensen on his retirement. Major Sonya Finch will be his replacement for the next 8-10 months until the brigade returns from deployment.

Approval of Minutes

Council members received a copy of the August 12, 2010 DPAC Retreat minutes. A motion to accept the minutes was made by Kevin Frampton and seconded by Richard Doyle. The council unanimously approved the minutes as submitted.

2011 Drug Control Strategy

Council members received an electronic copy of the press release and drug control strategy. Chairman Kendell reported that drug use is up including prescription drug abuse, and meth and treatment admissions. ODCP's recommendations were included in the Executive Summary.

With the election results and the change in administration ODCP does not know what the new administration's priorities are or what direction they will want to take on these issues. Chairman Kendell is hoping to speak to someone in the new administration before pre-filed bills are due.

Chairman Kendell commented that he didn't know the future of his position and that he hoped to know within the next few weeks.

2011 Legislative Issues

Chairman Kendell stated that ODCP will be pre-filing the following bills:

- 1.) Substance abuse and mental health insurance parity bill.
- 2.) Continuous alcohol monitoring devices as an alternative for courts to impose on offenders for pre-trial supervision or probation.
- 3.) Meth offender registry - Chairman Kendell reported that the creation of a meth offender registry is a new concept. Oklahoma passed a bill recently that anyone who has a meth conviction would be prohibited from purchasing pseudoephedrine products for a period of years after the conviction. ODCP will be drafting a similar bill, which will contain a 10 year post conviction purchase prohibition. He said this is another way to get a head of the smurfing issue.

Phyllis Blood asked how the system would deal with persons who have a legitimate medical reason for the product. Chairman Kendell said at this time there is not but he is sure there will be if the bill gets some traction.

- 4.) K2/Salvia bill – will add Salvia divinorum and synthetic cannabinoids (aka K2, Spice, etc.) as schedule I controlled substances.
- 5.) Change code section 80E to include representatives on the Drug Policy Advisory Council from the Iowa Alcohol Beverage Division and the Iowa Police Chiefs Association. Also change the name of the Iowa Association of Chiefs of Police and Peace Officers Association to the Iowa Peace Officers Association.
- 6.) Sex Offender registry – the bill that was passed didn't make Iowa compliant with the Adam Walsh Act/SORNA. There is a penalty provision in the Adam Walsh Act that States need to be compliant or lose 10% of the Byrne-JAG funding. The deadline is July of 2011. If Iowa is not compliant by then, it could stand to lose about \$400,000 a year of Byrne-JAG funding.

Phyllis said that complying with the Adam Walsh Act would cost more than \$400,000. It is an issue that all the states have run into. There are 5 or 6 states that are in compliance and they are saying that the cost of being compliant and maintaining the registry costs more than the 10 percent loss in Byrne-JAG funding.

- 7.) Marijuana for medicinal purposes – take out language related to the rules of the board for medicinal purposes, and move all references to marijuana and THC to schedule I. Chairman Kendell said that it is his understanding that the Governor-Elect Branstad is not in favor of medical marijuana.

- 8.) A \$500 tax credit for certified prevention specialists.

Becky Swift will send a list of all ODCP pre-filed bills in the next Legislative Update.

Chairman Kendell has not decided if ODCP will pre-file a bill to increase the beer tax. He reported that he has information on pre-filing already completed and will share the information with another agency if they would be interested.

Kevin Frampton asked about the caffeinated alcohol energy drink that the FDA is looking at it on the national level. Chairman Kendell said that this is a troubling thing and he is glad they are taking action. The manufacturer said that they are going to take the caffeine out of the drink.

Pseudoephedrine Tracking System Update

Susie Sher said that the pseudoephedrine tracking enforcement date, at which time all pharmacies had to be compliant with the administrative rules, was September 1, 2010. There currently are 642 pharmacies participating, which is 100% of pharmacies that sell pseudoephedrine products to the public. The remainder are either compounding pharmacies, hospitals or those that have decided not sell anymore.

Law enforcement is set up in 84-85 counties so the majority of the State has some sort of law enforcement access with the system. In the last 30 days sales of over 3,000 boxes have pseudoephedrine have been blocked.

Kevin Frampton reported that overall his office likes the pseudoephedrine tracking. In the past, law enforcement would be looking for one to two people that were smurfing now they are chasing 15-20.

ODCP would tie this system with the Meth Offender Registry if this legislation were to be enacted.

State and Federal Government Transition

Chairman Kendell said that there are a lot of unknowns at this point. He commented on earmark funds, mentioning that they could be eliminated.

On the state level, Chairman Kendell stated that he doesn't know what his future will be.

Agency/Association Updates

- General Jensen reported that the Midwest Counterdrug Training Center (MCTC) will lose funding this year. The MCTC usually has a 9 million dollar program and it will be cut down to a 2 million dollar program. Senator Harkin supports MCTC. Both Senators, Harkin and Grassley, work together in support of earmarks for drug prevention programs Iowa have across the State.
- Jane Larkin reported that the AC4C workgroup has set some priorities to speak with legislators at the local level. They will also be conducting their “Day on the Hill” in January and will be talking with the legislators regarding social hosts, medical marijuana, minors in consumption, seller/server trainings, and minor and licensing establishment. They are also interested in the beer tax. Chairman Kendell said that he would be happy to share the beer tax information with AC4C members.
- Jennifer Benson stated that the County Attorney’s Association has some priorities but nothing new – allowing the results of PBT tests in court and adding consumption as possession for minors. They are also working to add controlled substances and use of any inhalants part of the public intoxication statute. They are trying to keep a low profile regarding medical marijuana.
- Phyllis Blood mentioned CJP’s study on mandatory minimum drug offenders. The legislative committee asked for more research on the different outcomes of recidivism for those drug offenders who don’t serve mandatory minimums but are still sentenced to prison or put on probation. CJP is also interested in parity related to crack and cocaine sentencing.
- Cyndy Erickson said that the Department of Education received two grants regarding safe and supportive school climate.

Adjourn

Council members received a listing of the meeting dates for 2011: Thursday, February 10, Thursday, May 12, Thursday, August 11 (Planning Retreat) and Thursday, November 10.

The meeting adjourned at 2:10 p.m. The next meeting will be Thursday, February 10, 2011.

Respectfully submitted,



Becky Bell